REMARKS

In the final Office Action mailed January 6, 2010 ("Final Office Action"), claim 10 was rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter; and claims 7-10 under were rejected 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent Application Publication No. 2002/0059617 to Terakado et al. ("Terakado").

I. Rejection of Claim 10 Under 35 U.S.C. § 101

In the final Office Action, claim 10 was rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. The final Office Action asserts that "[t]he 'computer-readable medium' can [be] broadly interpret[ed] to include [a] signal which is non-statutory subject matter" and, further, that "[i]n the state of the art, transitory signals are commonplace as a medium for transmitting computer instruction[s] and . . . in the absence of any evidence to the contrary and give[n] the broadest reasonable interpretation, the scope of a 'computer readable medium' covers a signal per se." Final Office Action at 4. As best understood, the final Office Action is asserting that Applicant's recited "computer-readable recording medium" can be appropriately interpreted as a "transitory" or propagating "signal," and, therefore, "is not a 'process, machine, manufacture, or composition of matter.'" See M.P.E.P. § 2106(IV)(B) (citing *In re Nuitjen*, 500 F.3d 1346 (Fed. Cir. 2007). Applicant respectfully submits that the final Office Action's assertion that the "computer-readable recording medium" can be interpreted as a "transitory signal" is improper.

According to Applicant's specification:

> [the] recording medium is constituted not only by ***package media*** distributed so as to provide a program for the user independently of a device itself, as shown in Fig. 3, which comprised of the ***magnetic disk 71*** (including a flexible disk), the ***optical disk 72*** (including a compact disk-read only memory (CD-ROM)), and a ***digital versatile disk (DVD)***), the ***magneto-optical disk*** 73 (including an mini-disk (MD (registered trademark))), or the ***semiconductor memory*** 74, on which a program is recorded, but also by the ***ROM*** 62 on which a program is recorded or a hard disk contained in the storage section 69, which is already incorporated into a device itself so as to be provided for the user.

Applicant's Written Description at pg. 58, ll. 9-20. (Emphasis added). Applicant respectfully submits that "[computer-readable] recording medium" has only been disclosed in the written description as being selected exclusively from a list of exemplary tangible forms of media. "The Patent and Trademark Office ("PTO") determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving claims their broadest reasonable construction 'in light of the specification as it would be interpreted by one of ordinary skill in the art.' *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364[, 70 USPQ2d 1827] (Fed. Cir. 2004)." M.P.E.P. § 2111 (citing *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005)). Applicant notes that that nowhere in its written description has "recording medium" been expressly disclosed as constituting a "transitory signal" and that imposing such a definition is inconsistent in light of the specification as would be interpreted by one of ordinary skill in the art.

Furthermore, the M.P.E.P. has defined "functional descriptive material" as material which "consists of data structures and computer programs which impart functionality when employed as a computer component." M.P.E.P. § 2106.01 (Internal

citations omitted). The M.P.E.P. continues, mandating that "[w]hen functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized." Id. Applicant respectfully submits that claim 10 clearly recites a "computer-readable medium that imparts functionality when employed as a computer component," and is therefore statutory as mandated by M.P.E.P. § 2106.01.

For at least the reasons outlined above, Applicant respectfully submits that independent claim 10 falls within the categories of patentable subject matter. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 101 rejection with respect to claim 10.

II. Claim Rejection Under 35 U.S.C. § 102(b) Based on Terakado

In the final Office Action, claims 7-10 under were rejected 35 U.S.C. § 102(b) as allegedly being anticipated by Terakado. Independent claims 7, 9, and 10 are the only independent claims included in the claim rejection under Section 102(b), and Applicant respectfully traverses the rejection of independent claims 7, 9, and 10 under Section 102(b) based on Terakado at least because Terakado fails to disclose all of the subject matter recited in each of independent claims 7, 9, and 10.

I. Claim Rejection Under 35 U.S.C. § 102(b) Based on Terakado

A. Independent Claim 7

Independent claim 7 recites, in pertinent part,

> [a] control apparatus configured to:
> . . .

> acquire first operation screen information for displaying a first operation screen corresponding to [a] first information processing apparatus and second operation screen information for displaying a second operation screen corresponding to [a] second information processing apparatus; and
>
> display the first operation screen and the second operation screen,
>
> wherein the second information processing apparatus is controlled, via the first information processing apparatus, based on . . . registered address information.

Terakado fails to disclose at least this recited subject matter.

As explained in Applicant's Reply to the Office Action mailed June 19, 2009, although remote control 120 of Terakado is in communication with both home server 110 and home appliances 130, Terakado is silent with respect to the remote control's ability to control home appliances 130 *by way of the home server 110*. In fact, Terakado repeatedly discloses a control link between remote control 120 and home appliances 130, without disclosure of such link being *through* the home server 110. See, e.g., Terakado at paragraphs [0039], [0041], [0042], [0046], among others. Indeed, Terakado is altogether silent with regard to remote control 120 controlling home appliances 130 *via the home server 110*.

In response, the final Office Action asserts that "[t]he home appliance 130 receives an instruction from the remote control 120 and downloads the predetermined new function data from the home se[r]ver 110 (paragraph 0051)." Final Office Action at 3. Importantly, however, Terakado's purported disclosure that the home appliance receives a command from the remote control and downloads data from the home server in response to this command, does not constitute disclosure of the remote control being configured to control the home server via the home appliance (or vice versa). Indeed,

Terakado is altogether silent with respect to the remote control 120 controlling a first apparatus by way of a second apparatus. Further, the final Office Action's response to Applicant's Reply to the Office Action mailed June 19, 2009 fails to point to any passage in Terakado that discloses or suggests that the remote control 120 of Terakado controls a first apparatus via a second apparatus, as alleged in the final Office Action.

Because Terakado fails to disclose at least, "[a] second information processing apparatus [that] is controlled, via the first information processing apparatus . . . ," as recited in Applicant's independent claim 7, the 35 U.S.C. § 102(b) rejection of independent claim 7 based on Terakado is improper and should be withdrawn. Furthermore, claim 8 depends from independent claim 7 and should be allowable for at least the same reasons as claim 7. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 102(b) rejection of claims 7 and 8 based on Terakado.

B. Independent Claims 9 and 10

Independent claims 9 and 10 each recite, in pertinent part, a control method comprising:

> requesting, via [a] remote control apparatus from the first information processing apparatus, address information of a second information processing apparatus connected to the first information processing apparatus via a network;
> . . .; and
> controlling, via the remote control apparatus, the second information processing apparatus via the first information processing apparatus based on . . . registered address information.

As outlined above with respect to independent claim 7, Terakado fails to disclose at least, "controlling, via [a] remote control apparatus, [a] second information processing

apparatus via [a] first information processing apparatus," as recited in each of Applicant's independent claims 9 and 10. Therefore, the 35 U.S.C. § 102(b) rejection with respect to independent claims 9 and 10 based on Terakado is improper and should be withdrawn.

III. Conclusion

In view of the foregoing remarks, Applicant respectfully requests reconsideration and reexamination of this application, withdrawal of the claim rejections, and the timely allowance of pending claims 7-10.

The Office Action contains characterizations and assertions regarding the claims and the cited art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant respectfully declines to automatically subscribe to any characterizations or assertions included in the Office Action.

If the Examiner believes that a conversation might expedite prosecution of this application, the Examiner is cordially invited to call Applicant's undersigned representative.

Please grant any extensions of time required to enter this Request for Reconsideration and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.

Dated: March 8, 2010

By: _____

Brad C. Rametta
Reg. No. 54,387
(404) 653-6552